IN THE UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF TEXAS HOUSTON DIVISION

BRENDA TOLBERT	§	
	§	
Plaintiff,	§	
	§	
V.	§	CIVIL ACTION NO. 4:11-CV-00107
	§	
RBC CAPITAL MARKETS	§	
CORPORATION N/K/A RBC CAPITAL	§	
MARKETS, LLC; RBC CENTURA	§	
BANK N/K/A RBC BANK (USA);	§	
RBC U. S. INSURANCE SERVICES, INC.;	§	
	§	
Defendants.	§	

SUPPLEMENT TO PLAINTIFF'S MOTION FOR CLASS CERTIFICATION AND SUPPORTING BRIEF

To further clarify the class action issues previously addressed in Plaintiff's Motion for Class Certification and Supporting Brief [Dkt. #31], Plaintiff files her expert report (the "Report") submitted by Saul Solomon on December 1, 2011 and attached hereto as Exhibit "A". The Report fleshes out, and specifically addresses, RBC's Top-Hat Analysis Review, dated August 7, 2008 (Pl. Motion, Ex. 4). In addition, the Report clearly shows that the WAP is not a "top hat" plan, and the Court's disposition of that legal issue, upon which Defendants admittedly have the burden of proof, will apply uniformly to all present and former WAP participants and guarantee their ERISA-protected statutory rights.

Respectfully submitted,

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ATTORNEYS FOR PLAINTIFF, BRENDA TOLBERT

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the above pleading was served on Defendants' counsel via the Court's electronic filing system on this 2^{nd} day of December, 2011.

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